

Congress of the United States
Washington, DC 20515

September 3, 2013

The Honorable Elaine Kaplan
Acting Director
Office of Personnel Management
1900 E St NW
Washington, DC 20415

Dear Acting Director Kaplan:

We write in strong opposition to the Office of Personnel Management's (OPM's) proposed rule to "fix" Obamacare for Members of Congress and their staffs but not for the American people. This proposed "fix" is exactly why the American public has a very negative impression of Congress and Washington.

We also strongly disagree with the Office of Personnel Management's (OPM) interpretation of Section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act (PPACA), commonly referred to as "Obamacare." We believe OPM has failed to uphold its responsibility to regulate Section 1312 within the legislative intent of the statute and in doing so helped facilitate policy changes to shield Washington insiders from the consequences of the disastrous Obamacare law.

The Obamacare statute states very clearly that all Members of Congress and their staffs are to procure their health insurance through the Obamacare Exchange. Just as clearly, it does not reconstitute government support of their present coverage under the separate Federal Employees Health Benefits Plan (FEHBP) as payment toward the Exchange. Furthermore, no ordinary American with an annual income of more than \$43,000 buying on the Exchange would receive any government subsidy, much less one worth approximately \$5,000 for an individual or \$10,000 for a family, under the OPM rule for Congress only.

The provision of the OPM rule that allows individual Members of Congress to define "official staff" is an obvious attempt to allow for a significant portion of congressional staff, like leadership staff, to be exempted from having to deal with the Exchange, notwithstanding the whopping subsidy that the rule creates.

If the original policy intent was to leave it to individual Members to determine staff and their eligibility for taxpayer funded subsidies, it should have been corrected in the public sphere through the legislative process. The fact that this maneuver came over two months late from OPM, and was issued as members left Washington for August recess shows this decision was an act of self-dealing special treatment and a blatant tactic to avoid the political backlash that would occur if Congress were in Session.

As OPM finalizes this rule in the coming weeks, we strongly urge the agency to exercise its Constitutional responsibility to interpret the legislative language within the scope of the statute and ensure that Members of Congress and their staff receive equal treatment under the law.

Until Obamacare is fully repealed, those elected by the public should abide by the same health care laws Americans are being forced to live with.

Sincerely,



Senator David Vitter



Senator Mike Lee



Congressman Phil Gingrey, MD



Congressman Ron DeSantis